

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-9 remain pending, claim 1 being independent.

Final Office Action/Response to Arguments

In the Office Action, which has been made Final, the Examiner rejects all pending claims under 35 U.S.C. § 102 as allegedly being anticipated by Vorih et al. (U.S. Patent 6,321,701, hereinafter "Vorih '701"). On page 4 of the Office Action, under the heading "Response to Arguments," the Examiner indicates that the amendments presented on September 16, 2004 have necessitated a new grounds of rejection. Therefore, the "Response to Arguments" section of the Final Office Action does not specifically respond to the patentability arguments presented in the September 16, 2004 Reply. Applicants note, however, that Vorih '701 was the sole reference applied to reject claims in the Office Action dated May 17, 2004. Thus, the arguments presented in the September 16, 2004 Reply have not been rendered moot by the present grounds of rejection. If this rejection is maintained, Applicants respectfully request that the Office Action specifically respond to the substance of the arguments set forth below. See e.g., MPEP § 707.07(f).

Prior Art Rejection

Claims 1-9 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Vorih* '701. This rejection is respectfully traversed.

Independent claim 1 is directed to a valve system for an internal combustion engine. The value system of claim 1 comprises: a variable valve control mechanism; and an accumulator. The variable valve control mechanism provides control to selectively open and close intake valves or exhaust valves according to supply/release of pressurized oil from an oil pressure source via an oil channel. The accumulator accumulates pressurized oil supplied to the variable valve control mechanism. Claim 1 specifies that the accumulator is provided upstream of the variable valve control mechanism and has a body, a portion of which is inserted into and fixed in a hole formed in a cylinder head of the internal combustion engine.

According to an embodiment of the present invention, discussed for example on page 18, paragraphs [0061]-[0062], providing the accumulator as an element that is inserted into and fixed to the cylinder head allows the accumulator to be more easily replaced and maintained and allows the internal arrangement of the cylinder head to be less complicated.

Vorih '701 discloses a valve actuation system 30 (the embodiment of Fig. 4), in which oil is displaced by a master piston

440 via a fluid system 500 to hydraulically control displacement of slave pistons 110 to move engine valves 140. Col. 10, lines 41-62. The valve actuation system 30 of Vorih '701 includes an accumulator 300, which is connected with the fluid system 500 to control the hydraulic force applied to slave pistons 110 based on movement of the master piston 440. Vorih '701, however, fails to teach or suggest that the accumulator 300 is inserted into and fixed in a hole formed in the cylinder head of the internal combustion engine as recited in independent claim 1.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants submit that the Examiner's reliance on Vorih '701 fails to establish anticipation of claim 1 or any claim depending therefrom.

Consequently, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102.

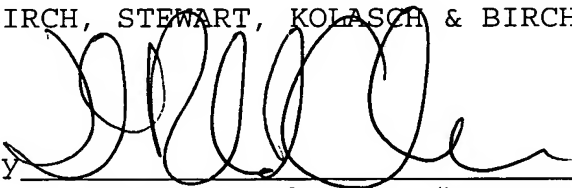
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
D. Richard Anderson, #40,439

DRA/jdm/lab
0649-1037PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000